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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,913	02/05/2004	Steven W. Dow	86715.0002	5237
20350 7590 02/12/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER WEHBE, ANNE MARIE SABRINA	
			ART UNIT	PAPER NUMBER
			1633	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
30 DAYS		02/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

NOTICE OF NON-RESPONSIVE AMENDMENT

The reply filed on 11/20/06 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the restriction requirement mailed on 9/12/06 made an election of species requirement for Inventions I and IV for species of cancer, see pages 7-8. Applicant's initial response to the restriction requirement received on 11/14/06 elected Invention II. However, applicant's supplemental response received on 11/20/06 stated that the supplemental response was intended to supercede the previous response, see page 1 of the response. This supplemental response elected Invention IV, and further elected interferons as the species of cytokine. However, neither the initial response nor the supplemental response provided an election of a species of cancer as required for Invention IV as stated on pages 7-8 of the office action mailed on 9/12/06. Thus, the 11/20/06 reply to the restriction requirement is not fully responsive. See 37 CFR 1.111.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication from the examiner should be directed to Anne Marie S. Wehbé, Ph.D., whose telephone number is (571) 272-0737. If the examiner is not available, the examiner's supervisor, Joseph Woitach, can be reached at (571) 272-0739. For all official communications, **the new technology center fax number is (571) 273-8300**. Please note that all official communications and responses sent by fax must be directed to the technology

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center fax number. For informal, non-official communications only, the examiner's direct fax number is (571) 273-0737. For any inquiry of a general nature, please call (571) 272-0547.

The applicant can also consult the USPTO's Patent Application Information Retrieval system (PAIR) on the internet for patent application status and history information, and for electronic images of applications. For questions or problems related to PAIR, please call the USPTO Patent Electronic Business Center (Patent EBC) toll free at 1-866-217-9197.

Representatives are available daily from 6am to midnight (EST). When calling please have your application serial number or patent number available. For all other customer support, please call the USPTO call center (UCC) at 1-800-786-9199.

Dr. A.M.S. Wehbé

ANNE M. WEHBE PH.D
PRIMARY EXAMINER

